



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

May 19, 1939

Honorable Henry Hull  
Chairman, Subcommittee, Appropriations  
House of Representatives  
Austin, Texas

Dear Sir:

Opinion No. O-736  
Re: Constitutionality of  
House Bill No. 589.

This is in reply to your recent request as to the constitutionality of a proposed bill, the caption of which reads as follows:

"AN ACT making appropriation to pay past due rent on armories from March 1, 1932, to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act; ratifying and confirming lease contracts made during this period by the Adjutant General of the State of Texas; and declaring an emergency."

Your proposed bill sets out the names and amounts to pay past due rent on armories from March 1, 1932, to August 2, 1932, under lease of the National Guard of the State of Texas. Each of these claims, though pertaining to the same subject, grew out of an individual contract between the Adjutant General and the owner or lease holder of the property leased or rented for the benefit of the National Guard of Texas. It would be necessary for us to examine the facts and circumstances of each lease separately in the light of the prohibition contained in the Constitution and the statutes to determine whether or not such contract was a binding one, creating a legal obligation as would form the basis of a judgment against the State.

It so happens that one of these claims, that is the Fort Worth Cavalry Club, for \$1,710.00 has already been passed on by the Supreme Court of this State. Judge Critz, who rendered the opinion, held that such claim was void. If the other claims are identical to this one, they are all void, and, in that event, the bill would be unconstitutional. 83 S.W. (2) 660.

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Yours very truly

ATTORNEY GENERAL OF TEXAS

By (Signed) W. P. WATTS  
W. P. Watts  
Assistant

WPW:FG

APPROVED:

(Signed) GERALD C. MANN  
ATTORNEY GENERAL OF TEXAS

APPROVED  
Opinion Committee  
By REK  
Chairman.

WJF